

Executive Scrutiny Board	
Recommendations from the meeting held on 11 February 2020	
Council Cabinet Agenda – 12 February 2020	
Item 8	Adult Social Care Fees and Charges 2020/21
<p>The Board received a report of the Strategic Director for People Services on Adult Social Care Fees and Charges 2020/21.</p> <p>It was reported that under the Care Act 2014, Councils had a duty to ensure that there was a sustainable and affordable social care market locally and that this included establishing fee levels that providers could expect to receive for commissioned care that was delivered to meet a person's needs. It was also reported that in order to ensure that the Council was aware of and taking account of the cost pressures affecting local providers of care, engagement and consultation with independent sector providers had been undertaken in recent months and that this had been focused on those providers operating "standard" care and not those dealing with more complex levels of care.</p> <p>The Board were provided with a summary of the engagement findings, the reported cost pressures and feedback from providers. Members noted details of the funding model itself and the proposed rates for 2020/21 for standard residential/nursing care and for homecare services. The Board also noted the proposed charges for Council-provided adult social care services for 2020/21, which formed the annual review referred to in the Council's Adult Social Care Charging Policy. It was reported that the full cost of care services was only paid by around a tenth of customers and that the majority were subsidised following the outcome of Financial Assessments.</p> <p>It was noted that introducing the option to apply an annual inflationary uplift for Direct Payments would address a systemic inequity whereby people electing to receive their funding by Direct Payment could be disadvantaged compared to those whose services were commissioned by the Council. It was also noted that Direct Payment holders who were utilising their entire available budget were forced to either absorb any inflationary price increases from their service providers, or to re-plan their services within their available funds. It was reported that the new approach would help to ensure that these Direct Payment arrangements were sustainable.</p> <p>The Executive Scrutiny Board resolved to note the report.</p>	
Item 9	Determined School Admission Arrangements for Derby City Maintained and Voluntary Controlled Schools 2021 – 2020
<p>The Board received a report of the Strategic Director of Peoples Services on Determined School Admission Arrangements for Derby City Maintained and Voluntary Controlled</p>	

Schools 2021 – 2020.

It was reported that the Council was the Admissions Authority for all maintained and voluntary controlled schools within Derby City, and therefore, had to comply with the statutory duty to consult on any changes to its admission arrangements on behalf of those schools before they were determined and published in the year preceding admission.

Members noted that the School Admissions Code 2014 required that consultation on admission arrangements for the academic year 2021-2022 must last for a minimum 6 weeks and must take place between 1 October 2019 and 31 January 2020. It was also noted that all admission arrangements were then required to be determined (set) by the statutory deadline date of 28 February 2020.

It was reported that no objections or comments relating to the proposed admission arrangements had been received during the consultation period.

It was noted that the proposal was for the admission arrangements for the 2021-2022 academic year set out in Appendix 2 of the report, to be considered and approved as the determined (set) admission arrangements by Council Cabinet at its meeting on 12 February 2020.

The Executive Scrutiny Board resolved to note the report.

Item 10	New Primary School Provision at Snelsmoor Grange and Castleward
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The Board received a report of the Strategic Director of Peoples Services on New Primary School Provision at Snelsmoor Grange and Castleward.

It was reported that the Education Act 2011 reviewed the arrangements for establishing new schools and introduced Section 6A (the free school presumption) to the Education and Inspections Act 2006. It was also reported that where a Local Authority (LA) considered there was a need for a new school in its area, it was required to seek proposals from potential sponsors to establish a free school.

It was noted that a new housing development was proposed at Snelsmoor Grange, Boulton Moor, for 800 dwellings and that it was anticipated that 224 primary school pupils would be generated by the development. It was also noted that there was very limited surplus capacity available in nearby primary schools and there were other housing developments underway in the local area which would increase the pupil population.

It was reported that a development had also recently been completed at Fellow Lands Way, Chellaston, in close proximity to Snelsmoor Grange and that this development was comprised of 190 dwellings which, over time, would generate an estimated 53 primary school pupils. It was also reported that following careful consideration, a 315 place (1.5 form of entry) primary school was being proposed, as a result of the new housing at both Snelsmoor Grange and Fellow Lands Way, to ensure sufficient school capacity.

It was reported that an exciting regeneration project was underway at Castleward, along

with a major new housing development proposed on the adjacent former Derby Royal Infirmary (DRI) site, both of which were close to the city centre. It was also reported that Phases 1 and 2 of the Castleward development were for a minimum of 398 dwellings and the former DRI site development was for 796 dwellings. Members noted that this was a minimum total of 1,194 dwellings which, it was anticipated, would generate around 133 primary school pupils over a number of years, linked to the housing build programme and wider regeneration project. It was also noted that again following careful consideration, a 315 place (1.5 entry) primary school was proposed as a result of the new housing at Castleward and the former DRI site.

It was reported that further additional properties were anticipated in future phases of the Castleward development and that the new school would provide primary places for pupils from these future dwellings, as part of the Council's infrastructure planning and commissioning of school places to serve the longer term regeneration project which was underway in this area of the city.

The Board noted that in both cases, the current proposal was for the new primary schools to open in September 2021, on a phased basis and that this would be kept under careful review in light of housing development programmes and the outcome of a bid for capital funding towards the cost of building the Snelsmoor Grange school. It was also noted that the successful sponsors would be asked to work in close partnership with the Council on the timing of opening up the new schools, including opening up year groups and capacity on a phased basis, in response to demand arising from the developments.

The Executive Scrutiny Board resolved:

- 1. to note the report; and**
- 2. to recommend to Council Cabinet that it writes to Homes England to thank them for their support with the Castleward project.**

Item 11	Our City Our River Update and Next Steps
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The Board received a report of the Strategic Director for Communities and Place on Our City Our River Update and Next Steps. The Board received an update on OCOR's successful delivery to date and the financial position of the programme.

It was noted that Council Cabinet would be asked to approve the following:

- to delegate authority to the Strategic Director for Communities and Place, following consultation with the Director of Financial Services and the Cabinet Member for Regeneration, Planning & Transportation to take all actions necessary within the approved allocation of expenditure and grant funding available to deliver the next steps for OCOR, as outlined in paragraphs 4.9 to 4.12 of the report;
- to delegate authority to the Director of Financial Services, following consultation with the Strategic Director for Communities and Place and the Cabinet Member for Regeneration, Planning & Transportation to acquire properties required for the Derby Riverside flood mitigation measures, if a funding source is established;
- to authorise in principle, the use of CPO powers as necessary to acquire the land and interests, identified on the Plan ("the Land") included as Appendix 3 to the

- report, to enable the future delivery of the OCOR priority of Derby Riverside; and
- to approve up to £2m of additional capital expenditure for the next steps for OCOR as set out in para 7.5 of the report, funded from the remainder of the OCOR grants. Note that as the full funding package to deliver the associated capital works was still not yet in place, there was a risk of this expenditure being abortive.

Members noted the planned demolition of Exeter House and a number of offices on Stuart Street, as part of the alternative scheme, and called for relocation opportunities to be identified in the city centre.

The Executive Scrutiny Board resolved:

1. to note the report;
2. to recommend to Council Cabinet that it asks Derby Homes to work closely with economic development, tenants in Exeter House and also home owners, to ensure that they are kept informed about plans, timescales and support for relocation; and
3. to recommend to Council Cabinet that it makes it clear that it is committing to the revised or alternative scheme.

Item 12	YMCA Derbyshire – Y Steps Under 35's Housing Scheme
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The Board received a report of the Strategic Director for Communities and Place on YMCA Derbyshire – Y Steps Under 35's Housing Scheme.

It was reported that the shared units would continue to provide accommodation for single people under 35 years of age supporting their transition from homelessness into longer term housing solutions and that the YMCA would work with the residents to develop the necessary skills for sustainable independent living over the period of their stay. It was also reported that the YMCA's agreement to let the properties to meet these aims would be incorporated into the lease as express provisions, and demonstrated that these measures formed part of the Council's commitment to meeting its statutory obligations.

Members noted that by approving this proposal to renew a lease arrangement for 24 two-bedroomed properties with YMCA Derbyshire (YMCA), for a period of 5 years, to commence January 2020, the Council would respond to duties contained within the Homelessness Reduction Act 2017, particularly the development of housing pathways for vulnerable people in need of homes. It was also noted that taking this action would also respond to a shared accommodation need within the city that Derby Homes were not able to offer.

It was reported that the demand for homelessness services and housing from younger people was high. It was also reported that the full annual rental value of the 24 properties would be recovered from the YMCA under the lease arrangement terms for the duration of the lease: at a total annual rental of £93,900 in year one, increasing on 1 April each year thereafter in line with rent policy (September CPI plus 1%). It was noted that for part years, rental income would be charged by quarter or proportionate to the periods and that where any individual properties were swapped in or out of the scheme the rental would

be adjusted appropriately. It was also noted that the HRA would benefit from this income.

The Executive Scrutiny Board resolved to note the report.

Item 13	Derby Destination Management Plan
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The Board received a report of the Strategic Director of Communities and Place on Derby Destination Management Plan.

Members noted that the report sought Council Cabinet approval for the Derby Destination Management Plan (DMP) to be adopted as a key strategy for the city and that the DMP identified the vision, objectives and actions required to help the city to develop as a destination.

It was also noted that Council Cabinet would be asked to support the use of the DMP vision, objectives and action plan, to inform and influence policies, planning and development of the City to enable maximum potential benefit from the visitor economy.

It was reported that having a Destination Management Plan was a key recommendation from VisitBritain in order to enable a place to develop as a visitor destination. It was also reported that VisitBritain was the National Tourism Agency funded by DCMS and were responsible for building the volume and value of tourism to England.

It was noted that the Derby DMP had been produced in consultation with relevant stakeholders amongst Derby's visitor economy businesses, together with actual and potential visitors. It was also noted that this reflected the real strengths and weaknesses, issues and opportunities, concerning the sector. It was reported that the DMP used this information to protect and enhance Derby's reputation, highlight interventions which could stimulate change and lead to an increase in visitors.

It was reported that being able to refer to a DMP based on stakeholder engagement and visitor data would help the Council and its partners to make strategic decisions that would increase the value of the visitor economy. It was noted that achieving the objectives within the DMP could increase the city's chances of success when bidding for events and funding.

The Executive Scrutiny Board resolved:

- 1. to note the report;**
- 2. to recommend to Council Cabinet that in order to improve Derby as a destination, the Assembly Rooms should be demolished and a new performance venue built; and**
- 3. to recommend to Council Cabinet that it amends the document to include the following short sections that:**
 - a) highlight the role to Derby residents to encourage visits to Derby by their family and friends and also residents themselves making use of visitor facilities and venues too; and**
 - b) celebrate continuing actions that make Derby a low-carbon destination, including its good rail connections and walkable city**

centre.

Item 14	Derby Culture Strategy 2020 – 2030
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The Board received a report of the Strategic Director of Communities and Place on Derby Culture Strategy 2020 – 2030.

Members noted that the report sought Council Cabinet approval for the adoption of the Culture Strategy for Derby for the period 2020-2030.

It was reported that the proposed Culture Strategy was for the whole city; and created a framework to achieve Derby's cultural ambition and that it was a resource for those working in the creative, cultural and heritage sectors and those that would like to collaborate with them.

It was also reported that culture played an important role in the success of a city and that this strategy helped maximise the opportunities for culture in Derby, by it being used as a central driver for achieving future aspirations and ambitions for our city.

It was noted that the strategy was accompanied by an initial two year Action Plan for the period 2020-2022 and that this aimed to address short term priorities that would create the longer term foundation for culture to be utilised in a range of contexts to contribute to achieving the city vision.

The Executive Scrutiny Board resolved:

- 1. to note the report;**
- 2. to recommend to Council Cabinet that the membership of the Derby Culture and Leisure Board be extended to include representatives from all political parties; and**
- 3. to recommend to Council Cabinet that it welcomes the initial work on a cultural strategy but requests a clearer programme of progressive development work covering the whole ten year period, with more detail in the earlier years.**

Item 15	2019/20 Quarter 3 Forecast of Outturn for General Fund, Capital Budgets, Dedicated Schools Grant, Collection Fund and Housing Revenue Account
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The Board received a report of the Director of Financial Services on 2019/20 Quarter 3 Forecast of Outturn for General Fund, Capital Budgets, Dedicated Schools Grant, Collection Fund and Housing Revenue Account.

It was reported that the Council was forecasting an overspend of £6.445m against its base budget requirement of £220.609m. It was also reported that the overspend had increased by £0.962m, compared to the £5.483m overspend reported at the end of quarter 2. The Board noted that this increase was in the main, due to Children's services within the Peoples Services directorate and that the Council (alongside most Councils)

faced a significant challenge around the sufficiency of placements: too many children were being placed with carers and providers from the private and independent sector. It was also noted that these placements were often more expensive than those that the Council could provide itself.

It was reported that the Council's forecast overspend for 2019/20 was 2.9%. It was also reported that excluding the demand led Children Social Care Budget, the Council was forecasting a 0.3% underspend for all other Council Services. Members noted that the Council had also been successful in delivering the £7.183 million of savings and income generation business cases included within the 2019/20 budget, which had been approved by Council in February.

It was reported that the budget for Children's Social Care remained the Council's key pressure with short term spikes in demand or sufficiency in placements, leading to changes in the forecast outturn as had been experienced from Quarter 2 to Quarter 3. It was also reported that the previous quarter forecast did assume that there would be some movement of some of the high cost external residential placements to the Council's own in-house provision. It was noted that this transition would possibly not materialise until after April 2020 due to the temporary closure of one of the Council's homes over the 2019 Christmas period.

It was reported that despite an increase in the in-year spend in Social Care there was evidence that the interventions and demand management initiatives within Children's Social Care were stemming the increase in children looked after and cost of placements. It was also reported that during the calendar year of 2019 there were 233 new entrants into care and by comparison, in 2018 there were 268 new entrants, in 2017 there were 262 new entrants and in 2016 there were 160 new entrants. The Board noted that this represented a turning of the curve for the first time in three years and a significant decrease of 14% (35) within the previous 12 months of children and young people being received into care. It was also noted that this reflected and evidenced the impact of the targeted edge of care prevention work as part of the Demand Management programme within Early Help and Children's Social Care that had commenced at the beginning of 2019.

It was reported that capital expenditure to date was £52.778m and the Council's forecast was estimated at £107.248m, against an approved capital budget of £181.031m. It was also reported that the General Reserve balance remained at £10.933m and the Council's Earmarked Reserves had a future years' forecast balance of £16.256m after taking account of the current forecast overspend of £6.445m. It was noted that any further residual overspend at the end of 2019/20 would reduce the reserve level and that the planned use of reserves to support the budget, alongside the in-year call on reserves to fund the overspend, had reduced the level of reserves to smooth or support the MTFP in future. It was also noted that in the recent CIPFA financial resilience index the level of Council Reserves (compared to the comparator group of Councils) was not assessed as being subject to undue stress.

It was reported that total debt was £430.821m and total investments were £71.337m compared to £443.573m and £67.838 as at 31 March 2019 and that no new borrowings had been made or were anticipated to be made in the year. It was also reported that total debt had reduced by £12.752m including the repayment of PWLB debt totalling

£11.077m. The Board noted the total grant of £234.766m had been allocated to schools and retained educational services. It was also noted that there was an overspend forecast on the High Needs Block of the DSG of £2.6m. It was reported that DSG Reserve Balances were reported at £2.8m at the start of the financial year, with a forecast of £0.2m left at the end of 2019/20. It was also reported that there was a likelihood that either this year or next year a deficit recovery plan would need to be agreed with the DfE

Members noted that Council Tax billed for the 2019/20 financial year was £120.03m of which £97.019m or 80.48% had been collected and that Business Rates billed for the 2019/20 financial year was £93.745m of which £77.098m or 81.91% had been collected. It was also noted that the full year forecast projected a planned use of the HRA reserve of £4.507m and that the value of Sundry Debts to be collected was £8.751m and that this represented a reduction of £0.417m on the figure reported in the 2019/20 quarter 2 report.

The Executive Scrutiny Board resolved to note the report.

Item 16	Medium Term Financial Plan 2020/21 – 2022-23 (Revenue Budget, Capital Budget, Housing Revenue Account, Dedicated Schools Grant, Reserves)
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The Board received a report of the Director of Financial Services on Medium Term Financial Plan 2020/21 – 2022-23 (Revenue Budget, Capital Budget, Housing Revenue Account, Dedicated Schools Grant, Reserves).

It was noted that the report outlined the Council's budget proposals for the period 2020/21 to 2022/23 to be recommended to Council.

It was reported that the Executive Scrutiny Board had considered the budget proposals at its meeting on 7 January 2020 and that this report now took into account the outcome of the consultation.

Members noted that in relation to the revenue budget, the report outlined proposals to recommend to Cabinet a net budget requirement of £238,199,575 for 2020/21 and outlined the budget proposals for 2021/22 and 2022/23. It was also noted that the favourable Government finance settlement and the proposals detailed in the report resulted in an increase in the budget requirement from £220.609m in 2019/20 to £238.2 million in 2020/21. It was reported that over the period to 2022/23 detailed in the MTFP, this was forecast to increase to £253.082 million.

It was reported that the report also set out permanent savings requirements of £8.780m over the three year period to address the impact of funding reductions, demand pressures, rising costs, maintaining priority services and investing for the future. It was also reported that these savings totalled £4.746m in 2020/21, £2.275m in 2021/22 and £1.759m in 2022/23.

The Board noted that in relation to the capital budget, the report set out the 2020/21 to

2022/23 £386.410m capital programme.

It was noted that in relation to the Housing Revenue Account (HRA), the report sought approval for the updated HRA Business Plan, its associated rent increases and Capital programme. It was also noted that the HRA Business Plan set out the 30 year investment strategy for the management and maintenance of the Council's housing stock together with investment proposals for additional homes.

In relation to Dedicated Schools Grant (DSG), it was reported that on 19 December 2019 the Department for Education (DfE) announced the details of the School Funding Settlement following the Government's earlier announcement that national funding for schools and high needs would increase by £2 billion for 2020/21, £4.8 billion for 2021/22 and £7.1 billion for 2022/23.

Members noted that the 2020-2021 allocation for the DSG was 3253.297m and the proposed allocation, as detailed in the report, was split into four blocks; Schools Block, Early Years Block, High Needs Block and a Central School Services Block.

It was reported that in relation to reserves, the report detailed a series of strategies and assessments of the adequacy of reserves which were required as part of the budget process and that these demonstrated that the Council was able to set a balanced budget and to plan its finances on a sustainable basis.

It was noted that prior to Council Cabinet recommending to Council the Budget Requirement to set the Council Tax it was required to consider the Section 25 report from the Director of Financial Services (attached at Appendix 6 to the report) that detailed the adequacy of reserves and robustness of the estimates for the period 2020/21 to 2022/23.

The Executive Scrutiny Board resolved to note the report.

Item 17	Treasury Management and Investment Strategy
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The Board received a report of the Director of Financial Services on Treasury Management and Investment Strategy.

Members noted that the report sought approval for the Council's Treasury Management Strategy for the financial year 2020/21 and the Treasury Management Indicators derived from that strategy. The report included:

- Background and context
- The Treasury Management Strategy
- Treasury Management Indicators
- Investment Strategy (Appendix 1 of the report)

The Executive Scrutiny Board resolved to note the report.

Item 18	Local Government and Social Care Ombudsman Report Complaint
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	Against Derby City Council (Ref No 18 015 698)
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The Board received a report of the Strategic Director of People Services on Local Government and Social Care Ombudsman Report Complaint Against Derby City Council (Ref No 18 015 698).

It was reported that the Local Government and Social Care Ombudsman had concluded an investigation into a complaint made against Derby City Council by a parent of a child with Special Educational Needs. It was also reported that the complaint related to excessive delays in producing a final Education, Health and Care Plan (EHCP) for the child and the child being out of education for a prolonged period of time.

It was noted that the investigation found that there was an excessive delay in the Council completing an EHCP assessment for the child. It was also noted that the child received no education due to the fault of the Council from October 2016 until September 2018.

It was reported that the Council was required to consider the Ombudsman report and confirm, within three months, the action it had taken or proposed to take. It was also reported that the Council should consider the report at its Council, Council Cabinet or other appropriately delegated committee of elected members. The Board noted that the following actions, which officers were broadly in agreement with, represented a proportionate response, had been recommended by the Ombudsman, subject to Council Cabinet approval:

- Pay the child £7,200 for being out of education and without SEN provision for approximately 18 months.
- Pay the parent £500 for their distress and time and trouble in pursuing the complaint.
- Pay the parent £675 for the cost of the occupational therapy report.
- Arrange staff training on:
 - a) Statutory timescales for producing EHC plans;
 - b) the need to properly consider all evidence available and give reasons for rejecting evidence provided by parents;
 - c) the statutory duty to provide suitable education when a child is absent from school due to illness, exclusion or otherwise; and
 - d) the need to properly review events in accordance with those statutory duties when a complaint is made.

It was noted that the Ombudsman had advised that it considered the above actions to be an appropriate remedy to the complaint.

It was reported that in addition, the following actions had also been completed:

- The Council's Children Missing Education (CME) Policy had been updated and was approved by Council Cabinet on 10 October 2018.
- The Council had undertaken a full review of the complaints process and a new Customer Feedback Policy was approved by Council Cabinet in April 2019.
- An Education Health and Care Plan LEAN Review took place in November 2019, with support from a Department for Education Adviser.

- Updated guidance had been produced for children who could not attend school for health reasons.

Members were concerned by the numbers of EHCPs not being completed within the 20 week statutory deadline and officers explained the work being done to try and mitigate the situation.

The Executive Scrutiny Board resolved to note the report.

Item 19	Council Delivery Plan Monitoring – Quarter 3
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The Board received a report of the Acting Chief Executive on Council Delivery Plan Monitoring – Quarter 3.

It was reported that in July 2019, Council approved the Council Plan 2019 – 2023, with Cabinet approving the supporting Council Delivery Plan in the same month. It was also reported that the underpinning performance framework and priority targets were approved in September 2019. The Board noted that at the end of Q3 (December 2019), 59% of the Council's priority performance measures were forecasted to improve from the positions reported at the end of March 2019, with 76% of the Council's supporting Delivery Plan actions being evaluated as 'on track'. It was also noted that 78% of the 18 priority projects were rated as either 'green' or 'amber/green,' and for the Council's thirteen strategic risks, 100% of controls were assessed as established.

It was reported that due to high demand from mental health services, the Council was now forecasted to miss its delayed transfer of care target. It was also reported that the Council were a top performer in this area and the position forecasted was still a very positive outcome for the city and its vulnerable residents.

The Board noted that there had been positive increases in the number of return to work interviews completed in a timely way (81.8% from 69.1% at the end of March 2019), when colleagues returned from a period of sickness absence. It was also noted that the average number of working days lost due to sickness between April 2019 and December 2019 was comparable to the same period in 2018 (8.91 days).

The Executive Scrutiny Board resolved to note the report.

Item 20	Exclusion of Press and Public
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A resolution to exclude the press and public was put to the vote and carried.

The Board resolved that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 7 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Item 21	Compliance with Contract and Financial Procedure Rules
<p>The Board considered an exempt report of the Director of Financial Services on Compliance with Contract and Financial Procedure Rules – Acceptance of a Grant.</p> <p>The Executive Scrutiny Board resolved to note the report.</p>	
Item 22	Street Lighting PFI Contract – Performance Review
<p>The Board considered an exempt report of the Strategic Director for Communities and Place on Street Lighting PFI Contract – Performance Review.</p> <p>The Executive Scrutiny Board resolved to note the report.</p>	